IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | 2:09-CR-032 |
| | § | |
| JEREMY SMITH, (1) | § | |

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18, United States Code, Sections 3142(e) and 3142(f).

1. ***Eligibility of Case***. This case is eligible for a detention order under 18 U.S.C. § 3142(f) because it is a case that involves:

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| __X___ | A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (§3142(f)(1)(A)). |
| _____ | An offense for which the maximum sentence is life imprisonment or death. (§ 3142(f)(1)(B)). |
| _____ | Controlled substances offense for which the maximum sentence is 10 years or more. (§ 3142(f)(1)©). |
| _____ | A felony that was committed after the defendant had been convicted or two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-©, or comparable state or local offenses. (§ 3142(f)(1)(D)). |
| __X__ | A serious risk defendant will not appear. (§ 3142(f)(2)(A)). |
| _____ | A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (§ 3142(f)(2)(B)). |
| _____ | A felony that involves a minor victim or that involves the possession or use of a firearm or destructive device, or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250 (§ 3142(f)(1)(E)). |

2. ***Reason for Detention.*** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

__X__ Defendant's appearance as required.
__X__ Safety of any other person and the community.

3. ***Rebuttable Presumption.*** The United States will invoke the rebuttable presumption against defendant under § 3142(e). The presumption applies because:

_____ Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924©. (18 U.S.C. § 3142(e)).
_____ Previous conviction for "eligible" offense committed while on pretrial bond.

4. ***Time for Detention Hearing***. The United States requests the Court conduct the detention hearing:

_____ At first appearance.
_____ After continuance of three days.
_____ After continuance of 10 days under 18 U.S.C. § 3142(d).
__X__ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

***Grounds for 10 day continuance:*** The defendant is, and was at the time the alleged offense was committed:

_____ on release pending trial for a felony under Federal, state, or local law;
_____ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law;
_____ on probation or parole for an offense under federal, state, or local law; or
_____ is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant: may flee; or
_____ pose a danger to any other person or the community.

5. Other Matters.

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Dated this 15th day of June 2009.

Respectfully submitted,

JAMES T. JACKS
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